Arb.P. 27/2007
BEFORE
HON'BLE THE CHIEF JUSTICE MR J. CHELAMESWAR

This is application under Section 11 of the Arbitration and Conciliation Act, 1996.

The petitioner entered into an agreement on 12.12.2003 with the North Eastern Electrical Power Corporation for construction of permanent RCC residential building at Tuiral in Mizoram. During the course of execution of the work under agreement. Certain disputes arose between the parties.

According to the petitioner, he was prevented from executing the work. The petitioner, after some correspondence, finally issued notice on 25.07.2005 invoking arbitration clause of the agreement seeking arbitration of the dispute between the parties. It appears that the notice was received by the 2nd Respondent's Office on 27.07.2005. Subsequently, the petitioner nominated the 5th Respondent to be his arbitrator.

In response to the letter of the petitioner calling upon the 2nd Respondent to nominate Arbitrator of his choice, the 3rd Respondent vide letter dated 08.12.2005 informed the petitioner that the Corporation has appointed the 4th Respondent as their Arbitrator.

Admittedly, as per the agreement, arbitration is required to be conducted by a panel of three arbitrators. The 3rd Arbitrator is to be chosen by the two arbitrators nominated by each of the parties. Since the arbitrators nominated by the parties have failed to agree on the appointment of 3rd Arbitrator, this application is filed.

Heard Mr. S. Sarma, learned counsel for the petitioner and Mr. A. Sarma, learned Senior Counsel appearing for the Respondents.

In the circumstances, the petition is disposed of by appointing Shri D.N.Chowdhury, former Judge of this Court to be the 3rd Arbitrator and the panel of Arbitrators shall proceed in accordance with law.

Communicate a copy of this order to Shri D.N.Chowdhury within three days.